

SUPPORT FOR THE AMENDMENTS

Claims 1-7 have been amended.

Claims 8-18 have been added.

The amendment of Claims 1-7 is supported by the corresponding claims as originally filed. New Claims 8 and 12 are supported by original Claim 4. New Claims 9 and 13 are supported by original Claim 5. New Claims 10 and 14 are supported by original Claim 6. New Claims 11 and 15 are supported by original Claim 7. New Claim 16 is supported by page 14, lines 13. Claims 17 and 18 are supported by page 15, lines 5-9, page 16, lines 9-12, and page 17, lines 5-14.

No new matter is believed to have been entered by the present amendments.

REMARKS

Claims 1-18 are pending in the present application.

The rejections of: (a) Claims 1, 4, and 5 under 35 U.S.C. §102(b) over Seebach et al; (b) Claims 1, 2, and 4-7 under 35 U.S.C. §103(a) over Seebach et al in view of Effenberger et al; and (c) Claim 3 under 35 U.S.C. §103(a) over Seebach et al in view of Effenberger et al and Lemieux et al, are respectfully traversed.

With respect to the anticipation rejection, Applicants note that the Examiner alleges that Seebach et al disclose the same reaction in their Scheme 3. Applicants respectfully submit that the Examiner's fact-findings are incorrect.

Specifically, Seebach et al generally disclose a reaction with a benzylamine and Scheme 3 shows the synthesis of an N-aralkylamine- β -amino acid compound such as N-benzylamine- β -amino acid or the like. Therefore, Seebach et al and the present invention are definitely different from each other in as the compounds produced are different.

The Examiner is reminded that the present invention relates to a reaction with an aromatic amine represented by Formula (2), and definitely does not comprise a reaction with an aralkylamine as disclosed by Seebach et al. Further, Seebach et al do not disclose a reaction with an aromatic amine represented by Formula (2). Accordingly, Seebach et al cannot anticipate the present invention.

Turning to the obviousness rejections, Applicants submit that in view of the foregoing difference between the presently claimed invention and Seebach et al the present invention would not even be obvious. Further, Effenberger et al and Lemieux et al also fail to

compensate for the deficiency in the disclosure of Seebach et al discussed above.

Moreover, it is well known that aromatic amines are generally weak in basicity, because of the electrons on the nitrogen atom of the amino group are unlocalized. Therefore, indeed, it is known that a reaction with a benzylamine proceeds well, but it cannot be said safely therefrom that a reaction with an aromatic amine, like with a benzyl amine, would proceed in high yields.

It is to be noted that, Banjoko et al, *J. Chem. Soc. Perkin II*, 2, 1105-1107 (1981) (copy **enclosed herewith** and referred to hereinafter as "Ref. 1") states on page 1105, left-hand column, and on page 1106, left-hand column, "If steric factors are not dominant, there is generally a higher nucleophilic reactivity of secondary than of primary amines and for both primary and secondary amines the rates should decrease with decrease in the basicity of the amines." and "Aniline, which is the least basic of all the amines studied, follows the usual pattern of reactivity by being the least nucleophilic as shown by the second-order rate constants in Table 1.", respectively.

In regard to the production method of N-aryl- β -amino acid compounds aimed at by the present invention, Ma et al, *Organic Letters*, 3(16), 2583-2586 (2001) (copy **enclosed herewith**, cited as the prior art in the present specification, and referred to hereinafter as "Ref. 2") discloses the coupling reaction of aryl halides with β -amino acids. In regard the production method of β -amino acids, one of the starting materials therein, Ref. 2, in turn, discloses on page 2584, left-hand column, "Since the enantiopure β -amino esters were conveniently available³, we could use it to prepare enantiopure N-aryl β -amino acids.", referring to Davies et al, *Tetrahedron Asymmetry*, 2(3), 183-186 (1991) as "(3)" (copy **enclosed herewith** and referred to hereinafter as

"Ref. 3"). Ref. 3 also discloses the production method of optically active β -amino acids by reduction of aralkylamine derivatives. Seebach et al is cited in Ref. 3 as Reference 8, relating to the production method of benzylamine derivatives.

It is to be noted that in Ref. 2, N-aryl- β -amino acid compounds are produced by, first, reducing N-aralkyl- β -amino acid compounds to produce β -amino acids, and then, reacting the resulting β -amino acids with aryl halides.

From the foregoing (i.e., Refs. 1-3), it is understood that Seebach et al disclose a production method of N-aralkyl- β -amino acid compounds. However, the present invention relates to a method of producing N-aryl- β -amino acid compounds. The method of the present invention is neither disclosed nor suggested by Seebach et al and, as such, the method of the present invention is not obvious in view of Seebach et al even when combined with Effenberger et al and Lemieux et al

In view of the foregoing, withdrawal of these grounds of rejection is requested.

The rejection of Claims 1-3 under 35 U.S.C. §112, second paragraph, is obviated by amendment.

Applicants have amended the claims to clearly indicate that the presently claimed method is a method for an optically active N-aryl- β -amino acid compound (see Claim 1). As such, this ground of rejection is believed to be moot.

Withdrawal of this ground of rejection is requested.

The rejection of Claims 1-7 under 35 U.S.C. §112, second paragraph, is obviated by amendment.

Claim 1 has been amended to denote the chiral carbon atom represented by "*" as being a "chiral carbon atom" rather than an "optically active carbon atom."

Withdrawal of this ground of rejection is requested.

The rejection of Claim 7 under 35 U.S.C. §112, second paragraph, is obviated by amendment.

Claim 7 has been amended as suggested by the Examiner to replace the phrase "5°C and less" with "5°C or less."

Withdrawal of this ground of rejection is requested.

The objection to the abstract of the specification is believed to be obviated by the submission of the **enclosed** substitute Abstract. Withdrawal of this ground of objection is requested.

Finally, the objection to Claims 6 and 7 under 37 C.F.R. §1.75(c) as being in improper multiple dependent form is obviated by amendment. Claims 4, 6, and 7 have been amended to remove multiple dependencies. Withdrawal of this ground of objection is requested.

Applicants submit that the application is in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

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